

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

CHRISTOPHER Y. SODOM,

Plaintiff,

v.

Civil Action No. 1:23-cv-92

WALMART SUPER CENTER,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION [ECF NO. 35]

On August 8, 2023, the plaintiff, Christopher Y. Sodom ("Plaintiff"), filed a pro se complaint in the Circuit Court of Monongalia County, West Virginia. ECF No. 1-1. Defendant Walmart Super Center ("Defendant") removed the case to this Court on November 16, 2023. ECF No. 1. Pursuant to 28 U.S.C. § 636 and the local rules, the Court referred this action to United States Magistrate Judge Michael J. Aloï (the "Magistrate Judge") [ECF No. 10]. Defendant moved for summary judgment on April 2, 2024. ECF No. 18. On June 4, 2024, the Magistrate Judge entered a Report and Recommendation ("R&R"), recommending that the Court grant Defendant's Motion for Summary Judgment. ECF No. 35.

The R&R informed the parties that they had fourteen (14) days from the date of filing of the R&R, plus three days for service, to file "specific written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection." It further warned them that the

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"[f]ailure to timely file written objections . . . shall constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals." To date, no objections have been filed.

When reviewing a magistrate judge's R&R, the Court must review de novo only the portions to which an objection has been timely made. 28 U.S.C. § 636(b)(1)(C). Otherwise, "the Court may adopt, without explanation, any of the magistrate judge's recommendations" to which there are no objections. Dellarcirprete v. Gutierrez, 479 F. Supp. 2d 600, 603-04 (N.D.W. Va. 2007) (citing Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983)). Courts will uphold portions of a recommendation to which no objection has been made unless they are clearly erroneous. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Because no party has objected, the Court is under no obligation to conduct a de novo review. Accordingly, the Court reviewed the R&R for clear error. Upon careful review, and finding no clear error, the Court **ADOPTS** the R&R [ECF No. 35] and **GRANTS** Defendant's Motion for Summary Judgment [ECF No. 18]. Plaintiff's Complaint [ECF No. 1-1] is **DISMISSED WITH PREJUDICE**.

This action is thus **STRICKEN** from the Court's active docket and the Clerk is **DIRECTED** to enter judgment in favor of Walmart

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Super Center. Any pending motions, deadlines, or hearings are hereby **TERMINATED**.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record by email and to the pro se plaintiff by certified mail, return receipt requested.

DATED: October 4, 2024

Handwritten signature of Thomas S. Klee in black ink.

THOMAS S. KLEEH, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA